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EXTRAORDINARY

PART II—Section 2

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 11th December, 1954:—

BILL No. XXIII OF 1954

A bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Indian Railways (Third Amendment) Act, 1954.

2. Amendment of section 137, Act IX of 1890.—In section 137 of the Indian Railways Act, 1890—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every railway servant, not being a public servant as defined in section 21 of the Indian Penal Code (Act XLV of 1860), shall be deemed to be a public servant for the purposes of Chapter IX and section 409 of that Code.”; and

(b) sub-section (4) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under section 137 of the Indian Railways Act, 1890, every railway servant is deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code only and not for any other purpose mentioned in that Code. Almost all railway servants are now Government servants and therefore their position requires to be equated with the position of any other officer in the service or pay of the Government who is already a public servant for all the purposes of the Code by reason of the definition contained in section 21 (ninth) of that Code.

2. The amendments now proposed are intended to secure,—

(a) that the limitation in the application of the Indian Penal Code to railway servants who are Government servants is removed; and

(b) that the existing position is maintained with respect to railway servants who are servants of the small number of railway companies that still function, with the modification that they shall be regarded as public servants also for the purposes of section 409 of the Indian Penal Code.

LAL BAHADUR.

NEW DELHI;

The 25th November, 1954.

S. N. MUKERJEE,
Secretary.